IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P. No. 383 /2003.

PETITIONER : Nohar Say s/o Baijnath, aged about 33 years, Secretary, Gram Panchayat Kailashpur, Tehsil Surajpur, Distt. Surguja, C.G.

P.R. No. 24/1/03
Presented by shri A.K. Prasad
dated 23.01.03

V E R S U S

RESPONDENTS

1. The State of Chhattisgarh, through Secretary, Panchayat Department, Raipur, C.G.

2. The Sub Divisional Officer, Surajpur, Distt. Surguja, C.G.

3. Chief Executive Officer, Janpad Panchayat, Surajpur, Distt. Surguja, C.G.

4. Sarpanch, Gram Panchayat Kailashpur, Tehsil Surajpur, Distt. Surguja, C.G.

5. Collector, Surguja, Ambikapur.

6. Siya Ram s/o Kewla Rajwar, aged about 26 years, r/o village Kailashpur, Tehsil Surajpur, Distt. Surguja, C.G.

23/1/03

शपथ आयुक्त
एस.के.शुक्ला
बिलासपुर (छ.ग.)
20/01/03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 383 of 2003

Petitioner — Nohar Say

Versus

Respondents — The State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri A. K. Prasad, Advocate for the petitioner.
Shri A. S. Kachwaha, Govt. Advocate for the respondents No. 1, 2 and 5.
Shri Dilip Dubey, Advocate for the respondents No. 3 and 4.
Shri B. D. Guru, Advocate for the respondent No.6.

ORDER

(17th November, 2006)

The following order of the Court is passed by Justice **Satish K. Agnihotri**.

1. According to learned counsel for the petitioner, the petitioner was appointed as Panchayat Karmi and thereafter he was declared as Secretary under the provisions of Section 69 (1) of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993. The petitioner was removed from the post of Panchayat Karmi (Secretary) by resolution dated 14.4.2001 passed by the Gram Panchayat, thereafter approved by the Gram Sabha on 18.4.2001.

2. Being aggrieved, the petitioner preferred an appeal before the Sub Divisional Officer, Surajpur. The Sub Divisional Officer rejected his appeal by order dated 15.10.2001 (Annexure P/2).

3. Being aggrieved, the petitioner preferred a revision before the Collector, Surguja, District Surguja at Ambikapur. The Collector, after hearing all the parties, by order dated 8.3.2002 (Annexure P/3) quashed the resolution dated 14.4.2001 passed by the Gram Panchayat and thereafter approved by Gram Sabha by resolution dated 18.4.2001. The Collector further quashed the order passed

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by the Sub Divisional Officer, Surajpur in appeal on 15.10.2001 on the ground that the order so passed was not in accordance with law. Therefore, no grievance of the petitioner subsists. However, instead of going back to the Collector, seeking implementation of the order, the petitioner had chosen to file an application before the Commissioner, Ambikapur. The Commissioner, after having noticed that under the provisions of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993, the Competent Officer was Director, Panchayat, transferred the matter to the office of the Director, Panchayat and Social Welfare Department, Raipur. During pendancy of the case before the Director, Panchayat and Social Welfare Department, Raipur, the petitioner has preferred this writ petition against seeking compliance of the order of the Collector, Surguja.

4. Learned counsel appearing for the petitioner submits that no case is pending before the Director, Panchayat and Social Welfare, Raipur.

5. Learned counsel appearing for the petitioner further submits that the petitioner be granted liberty to approach the Collector, Surguja seeking implementation of the order dated 8.3.2002 passed by him.

6. This petition is disposed of with the above-stated liberty. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur